

REMARKS

In the Office Action mailed February 26, 2008 the Office noted that claims 1-12 and 15 were pending and rejected claims 1-12 and 15. Claim 1 has been amended, claims 7-9 have been canceled, claims 16-25 have been added, and, thus, in view of the foregoing claims 1-6, 10-12 and 15-25 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

DOUBLE PATENTING

Claims 1, 2, 3, 4, 5, 6, 11, 12 and 15 stand provisionally rejected under non-statutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, 7, 11 and 12 of co-pending Application No. 10/576,013.

Claims 1 and 12 stand provisionally rejected under non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 3 of co-pending Application No. 10/471,926.

The Applicants submit a terminal disclaimer herewith.

Withdrawal of the rejections is respectfully requested.

OBJECTION TO THE DRAWINGS

The drawings stand objected to. In particular the Office asserts that drawings do not show every feature of the

invention as specified in the claims. In particular, the Office asserts that "measurement tank" is not shown in the drawings.

However, the phrase "measurement tank" is not recited in the claims and therefore, need not be shown in drawings.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-6, 11, 12 and 15 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Kesten, U.S. Patent No. 2008/0016884. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Kesten discusses a method of inserting gas into a container, the container being cooled prior to the introduction of the gas.

Claim 1 has been amended to recite

A method for filling a compressed-gas container in an airbag system, with a gas mixture or for producing a gas mixture in the compressed-gas container, in which a gas mixture as cryogenically liquefied gas or at least one gas component of the gas mixture as cryogenically liquefied gas is introduced into a cooled compressed-gas container, *whereby determination and monitoring of the filling quantity during the filling of the compressed-gas container with the cryogenically liquefied gas or a cryogenically liquefied gas mixture are carried out gravimetrically or volumetrically.* [Emphasis added]

Support for the amendment can be found, for example, in cancelled claims 7 and 8. The Applicants submit that no new

matter has been added by the amendment of claim 1.

On page 3 it is asserted that Kesten discloses "filling a compressed-gas container," as in claim 1.

However, the claims recites that the compressed-gas container is part of an "airbag system." Such a feature is not disclosed by Kesten.

Further, on page 5 it is asserted in the 35 U.S.C. § 103 rejection that Wolff discloses filling a compressed-gas container and determining the amount of liquid by gravimetric measurement.

However, Wolff, col. 13, lines 10-24 states

To enter the calibration operation, after priming, the operator switches the mode control switch to fill measure and then again depresses the run switch. When a measurable quantity of fluid has been pumped the apparatus is stopped and the volume of that quantity, either by volumetric or gravimetric measurement techniques, in milliliters is determined. That volume is then entered onto the calibration volume switches. During the fill measure mode the microprocessor 170 calculates the total angular rotation of the pump head by counting the encoder pulses occurring during that interval. When the actual measured volume is entered and the run switch is depressed, the microprocessor 170 computes a calibration constant, which allows it to calculate flow rate and cumulative volume. [Emphasis added]

Thus, in Wolff, the filling of the compressed-gas container is not measured gravimetrically. The amount of liquid is weighed to determine a value entered into a control system of a pump, such that the amount of liquid that is used to fill a compressed-gas container is determined by the rotation of the pump head, not by its weight. As discussed in

Wolff, weight is only used in a calibration step.

On page 5 of the Office Action, it is asserted that Bastian discloses a manometric measurement to determine the amount of liquid used to fill a compressed-gas container. The Office further states, that since the pressure is constant, the volume can be determined by converting the pressure to volume.

However, Bastian discusses a manometric capsule being used to determine the pressure. (See Bastian, col. 12, line 13). Kesten does not disclose, such a device, thus it would not have been obvious to combine the two references. Therefore, the combination of Bastian and Kesten does not disclose the features of cancelled claim 8.

For at least the reasons stated above, claim 1 and the claims dependent therefrom, are not anticipated by Kesten or rendered obvious by the combination of Kesten, Wolff and Bastian.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being obvious over Kesten in view of Wolff, U.S. Patent No. 4,715,786.

Claim 7 has been cancelled.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as

being obvious over Kesten in view of Bastian, U.S. Patent No. 5,900,538.

Claim 8 has been cancelled.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Kesten in view of Psaros, U.S. Patent No. 6,032,665.

Claim 9 has been cancelled.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being obvious over Kesten in view of Keneavy, U.S. Patent No. 4,922,973. The Applicants respectfully disagree and traverse the rejection with an argument.

Keneavy adds nothing to Kesten as applied against the independent claims. Therefore, for at least the reasons discussed above, Kesten and Keneavy, taken separately or in combination, fail to render obvious claim 10.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claims 16-25 are new. Support for claims 16 can be found, for example, prior to this amendment, in claims 1, 8 and 10. Support for claims 17-25 can be found, for example, prior to this amendment, in claims 2, 3, 4, 5, 6, 9, 11, 12, and 15.

The Applicants submit that no new matter has been added by the addition of claims 16-25. For at least the

reasons discussed above as to claim 1, claim 16 and the claims dependent therefrom are not disclosed by the prior art.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-6, 10-12 and 15-25 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- ☒ - a terminal disclaimer